

2009 Jan 12 AM 10:37

CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

**IN THE
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In Re: : CHAPTER 13
: Case No. 08-13396
MARK PAGLIO : Judge MORGENSTERN-CLARREN
PAULA PAGLIO :
: Debtor(s) : **MOTION TO DISMISS UNDER**
: **SECTION 1307(b)**
:

The Debtor(s) by his attorney represents as follows:

1. That the Debtor(s) commenced the within Chapter 13 on May 6, 2008 however, the debtor(s) are now unable to comply with the Chapter 13.
2. That this Chapter 13 case has not been converted to Chapter 13 from another Chapter of Title 11.
3. That under 11 U.S.C. 1307(b) the Debtor is entitled to have their Chapter 13 case dismissed at any time, and the Debtor(s), by this Motion, request that the case be dismissed.
4. That pursuant to LBR 9013-1(a) a copy of this Motion has on this date been sent by regular mail and/or electronic mail to the Chapter 13 Trustee serving in this case and to all creditors listed in Debtor's Voluntary Petition as shown in the attached list.

WHEREFORE, under Bankruptcy Rules 1017(d) and 9013, the Debtor(s) move(s) this Honorable Court to enter an Order dismissing this case and closing the estate as provided by law.

/S/ROBERT J. BERK

Robert J. Berk - 0001031
Attorney for Debtor(s)
75 Public Square, Suite 1425
Cleveland, Ohio 44113
(216) 241-3880

CERTIFICATE OF SERVICE

Copies of the foregoing Motion were sent by regular mail and/or electronic mail to Craig Shopneck, Chapter 13 Trustee, and pursuant to LBR 9013-1(a) to all other creditors listed in Debtor's Voluntary Petition as shown in the attached list, this 12th day of January, 2009

/S/ROBERT J. BERK

Robert J. Berk
Attorney for Debtor(s)

Citibank
7920 Northwest 110th St.
KANSAS CITY, MO 64153

GE Money Bank
P.O. Box 960061
ORLANDO, FL 32896

MorEquity
c/o Dennis Reimer
PO Box 968
Twinsburg, OH 44087

Morequity, Inc.
P.O. Box 3788
Evansville, IN 47763